

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

**JAMES MCALPHIN,  
ADC # 88328**

**PLAINTIFF**

**v.**

**No. 2:13-cv-145-DPM-JJV**

**N. OBI, Doctor, ADC, EARU; BALL, Doctor, ADC,  
EARU; G. CAMPBELL, APN, ADC, EARU; RAY  
HOBBS, Director, ADC, in his individual capacity;  
WENDY KELLY, Deputy Assistant, Director, ADC,  
in her individual capacity; and ARKANSAS  
DEPARTMENT OF CORRECTION, a municipality**

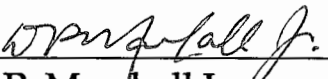
**DEFENDANTS**

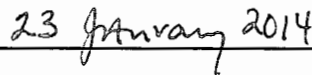
**ORDER**

The Court has considered Magistrate Judge Joe J. Volpe's proposed findings and recommendations, *No. 14*. McAlphin has not objected. After reviewing the proposal for clear factual error and for legal error, FED. R. CIV. P. 72(b)(3) (1983 addition to advisory committee notes), the Court adopts it as modified. The Court has rescreened McAlphin's amended complaint and declines to reinstate Kitrell, Delk, D'Anna, Dunn, and Corizon, who were previously dismissed. McAlphin's claims against the Arkansas Department of Correction are dismissed with prejudice. His claims against Hobbs and

Kelly are dismissed without prejudice for failure to state a claim: McAlphin does not need evidence at this point. *Compare No 14 at 6.* But he does need to plead specific facts about Hobbs's and Kelly's personal involvement, which he has not done. McAlphin's claims against Obi, Ball, and Campbell remain. Motion to amend, *No 13*, denied as moot.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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23 January 2014